

Notice of Allowability

Application No.

10/523,522

Examiner

Sow-Fun Hon

Applicant(s)

NOGUCHI, YUUJI

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview summary dated 6/20/06.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/3/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: The drawing dated 02/04/05 is accepted by the examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sean Myers-Payne on 6/20/06.

The application has been amended as follows:

2. Specification: page 1, above subtitle "TECHNICAL FIELD", insert as the first line of the specification - - This application is a 371 of PCT/JP04/04061 filed March 23, 2004. - -
3. Claim 1, replace lines 1-4, "A polymer particle coated with ... expose so that an aperture ratio of 0.1 to 1 is", with - - A spherical or approximately spherical particle comprising: a polymer particle derived from a polymerizable vinyl-based monomer; and a silica film covering the polymer particle, which makes a surface of the polymer particle exposed so that an aperture ratio of 0.1 to 1 is - -
4. Claim 2, line 4: after "which makes a surface of the polymer particle", replace "expose" with - - exposed - -
5. Claim 8: line 5: after " polymer particle, which makes a surface of the polymer particle", replace "expose" with - - exposed - -
6. Claim 11, line 2: after "silica film which makes a surface of the polymer particle", replace "expose" with - - exposed - -

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7. Claims 1-12 are allowed.

8. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, US 5,880,885 fails to teach or suggest, even in view of US 3,025,764 and US 6,086,790, a spherical or approximately spherical particle comprising: a polymer particle derived from a polymerizable vinyl-based monomer, and a silica film covering the polymer particle, which makes a surface of the polymer particle exposed so that an aperture ratio of 0.1 to 1 is possessed, and a height h of the silica film and a diameter D of the polymer particle coated with silica have a relationship of $0.5 \leq h/D < 1$, wherein the silica film includes a polyalkoxysiloxane oligomer condensate. None of said references teach that the silica film covering the polymer particle forms a distinct particle of diameter D wherein the combination of the two relationships of $0.5 \leq h/D < 1$ and aperture ratio of 0.1 to 1 are met.

9. The 112, 1st paragraph rejection of claims 1-12 for apparent lack of enablement, is withdrawn. In the interview dated 06/20/06, Applicant's representative, Sean Myers, explained, using Table 1 in the specification (page 56) how Applicant decreases the ratio of acrylate monomer to silicate to decrease the aperture ratio and increase the h/D ratio, thus demonstrating enablement of the invention.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon
Sow-Fun Hon

06/26/06

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER

1172

6/26/06